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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

NEETA THAKUR, KEN ALEX, NELL  
GREEN NYLEN, ROBERT HIRST,  
CHRISTINE PHILLIOU, and JEDDA  
FOREMAN, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States;  
DEPARTMENT OF GOVERNMENT  
EFFICIENCY (“DOGE”);  
AMY GLEASON, in her official capacity as  
Acting Administrator of the Department of  
Government Efficiency;  
NATIONAL SCIENCE FOUNDATION;

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Case No. 3:25-cv-04737-RL

**DECLARATION OF KEN ALEX**

The Honorable Rita F. Lin

1 BRIAN STONE, in his official capacity as  
2 Acting Director of the National Science  
Foundation;  
3 NATIONAL ENDOWMENT FOR THE  
HUMANITIES;  
4 MICHAEL MCDONALD, in his official  
capacity as Acting Chairman of the National  
5 Endowment for the Humanities;  
UNITED STATES ENVIRONMENTAL  
6 PROTECTION AGENCY;  
LEE ZELDIN, in his official capacity as  
7 Administrator of the U.S. Environmental  
Protection Agency;  
8 UNITED STATES DEPARTMENT OF  
AGRICULTURE;  
9 BROOKE ROLLINS, in her official capacity as  
Secretary of the U.S. Department of Agriculture;  
10 AMERICORPS (a.k.a. the CORPORATION  
FOR NATIONAL AND COMMUNITY  
11 SERVICE);  
JENNIFER BASTRESS TAHMASEBI, in her  
12 official capacity as Interim Agency Head of  
AmeriCorps;  
13 UNITED STATES DEPARTMENT OF  
DEFENSE;  
14 PETE HEGSETH, in his official capacity as  
Secretary of the U.S. Department of Defense;  
15 UNITED STATES DEPARTMENT OF  
EDUCATION;  
16 LINDA MCMAHON, in her official capacity as  
Secretary of the U.S. Department of Education;  
17 UNITED STATES DEPARTMENT OF  
ENERGY;  
18 CHRIS WRIGHT, in his official capacity as  
Secretary of Energy;  
19 UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
20 ROBERT F. KENNEDY, JR., in his official  
capacity as Secretary of the U.S. Department of  
21 Health and Human Services;  
UNITED STATES CENTERS FOR DISEASE  
22 CONTROL;  
MATTHEW BUZZELLI, in his official capacity  
23 as Acting Director of the Centers for Disease  
Control;  
24 UNITED STATES FOOD AND DRUG  
ADMINISTRATION;  
25 MARTIN A. MAKARY, in his official capacity  
as Commissioner of the Food and Drug  
26 Administration;  
UNITED STATES NATIONAL INSTITUTES  
27 OF HEALTH;  
JAYANTA BHATTACHARYA, in his official  
28 capacity as Director of the National Institutes of

1 Health;  
2 INSTITUTE OF MUSEUM AND LIBRARY  
3 SERVICES;  
4 KEITH SONDERLING, in his official capacity  
5 as Acting Director of the Institute of Museum  
6 and Library Services;  
7 UNITED STATES DEPARTMENT OF THE  
8 INTERIOR;  
9 DOUG BURGUM, in his official capacity as  
10 Secretary of the Interior;  
11 UNITED STATES DEPARTMENT OF STATE;  
12 MARCO RUBIO, in his official capacity as  
13 Secretary of the U.S. Department of State;  
14 DEPARTMENT OF TRANSPORTATION;  
15 SEAN DUFFY, in his official capacity as  
16 Secretary for the U.S. Department of  
17 Transportation,  
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19 Defendants.  
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**DECLARATION OF KEN ALEX**

I, Ken Alex, declare as follows:

1. I have personal knowledge of the facts contained in this declaration and, if called as a witness, could and would testify competently to those facts.

2. Since 2019, I have served as Director of Project Climate at the Center for Law, Energy & the Environment (CLEE) at UC Berkeley School of Law. I founded Project Climate as a think tank designed to move promising environmental research into the policy realm quickly, and helping climate interventions scale, given the urgency of mitigating climate change.

3. I received a JD from Harvard Law School in 1983 and a BA in political theory from UC Santa Cruz in 1979.

4. Prior to joining CLEE, I spent eight years as a Senior Policy Advisor to Governor Jerry Brown; as the Director of the Governor's Office of Planning and Research; and as the Chair of the Strategic Growth Council, focusing on climate, environment, and land use issues. Before joining the Governor's Office, I was the Senior Assistant Attorney General heading the environment section of the California Attorney General's Office, and the co-head of the Office's global warming unit. From 2000 to 2006, I led the California Attorney General's energy task force, investigating price and supply issues related to California's energy crisis. My (somewhat dated) CV is attached as Exhibit A.

5. My roles as climate policy expert and gubernatorial advisor on the topic were the subject of a 2020 profile in CalMatters. *See* Julie Cart, *Meet Ken Alex, Gov. Brown's Climate Concierge* (updated June 23, 2020), <https://calmatters.org/environment/2018/10/ken-alex-jerry-brown-climate-change-california/>. One important opportunity that Governor Brown gave me before the Paris Agreement on Climate Change in 2015 was to help start an entity called the "Under2 Coalition." This Coalition now has over 200 subnational governments around the world working to promote more aggressive climate action. I see it as an essential complement to the international efforts sponsored by the United Nations, which are at country level; subnational governments are often a force for more aggressive action than is happening at the national level.

1           6. For the past decade, I have been particularly concerned about methane as a  
2 greenhouse gas and a big climate policy issue. Underscoring the connection between academia and  
3 policy, much of our understanding of the effects of methane on planetary temperatures is the result  
4 of work done by a professor at UC San Diego, Ram Ramanathan, who is one of the world experts  
5 on short-lived climate pollutants. He brought to my and the Governor's attention the importance of  
6 short-lived but potent climate pollutants. Dr. Ramanathan's research has shown that although  
7 methane only remains in the atmosphere for 10 to 15 years—as opposed to carbon dioxide (CO<sub>2</sub>),  
8 which can last 100 years or more— methane is about an 80-times greater greenhouse gas promoter  
9 than CO<sub>2</sub> over a 20-year period because methane is so effective at trapping heat.

10           7. In recent work on climate, methane has turned out to be very policy-sensible focus,  
11 for a number of reasons. First, If we stop emitting the shorter-lived climate pollutants, not only  
12 will we have reduced emissions, but they will be out of the atmosphere in fairly short order, giving  
13 us more time to act on CO<sub>2</sub>. In addition, methane accounts for at least 25 percent of the  
14 greenhouse gas forcing function, meaning the amount that it contributes to heating the earth and  
15 creating the greenhouse gas effect. Further, methane emissions are somewhat easier to remedy,  
16 control, and limit than CO<sub>2</sub>, because the emissions come from many fewer sources. Methane  
17 emissions result mostly from fossil fuel (coal/oil/gas) operations; from certain agricultural  
18 operations (mostly cattle and rice production); and from off-gassing from waste sites, such as  
19 landfills.

20           8. The 2021 Conference of the Parties to the United Nations Framework Convention  
21 on Climate Change (“COP 26”) produced the Global Methane Pledge, which identifies an  
22 international goal of cutting methane emissions 30 percent below 2020 emissions levels by 2030.  
23 This voluntary agreement has now been signed by over 110 countries to reduce greenhouse gas  
24 emissions.

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1           13.     In response to the solicitation, a UC Berkeley professional engineer with  
2 specialized expertise in landfill design and analysis enlisted me as a co-Principal Investigator as  
3 part of a multi-disciplinary science and public policy team. Our team developed a detailed  
4 proposal for applying cutting edge technologies, including satellites and AI, to improve the  
5 detection of methane and HAP releases from landfills through improved scientific monitoring  
6 methods, and to improve the quality of policy responses by pinpointing sources of high methane  
7 emissions that could be targeted for control measures. Implementation of control methods for  
8 methane—a climate-forcing pollutant—would have the additional important effect of reducing  
9 local emissions of the HAPs that are co-pollutants at emissions hot spots, benefitting the health of  
10 fenceline residents.

11           14.     We submitted our Grant Proposal to EPA on December 21, 2022. It described a  
12 three-year project that would (a) develop and demonstrate (via multiple integrated sensors  
13 operating at different scales) a method for monitoring landfill methane emissions more accurately  
14 and economically than previously; (b) explore how continuous air monitoring of MSWs can help  
15 assess the efficacy of methane-reduction interventions; and (c) promote creation of robust offset  
16 protocols that would financially incentivize methane reductions, while also (d) reducing both  
17 methane and hazardous air pollutant (HAP) emissions in communities near landfills.

18           15.     The Grant Application proposed a cumulative budget of \$999,999 (later rounded up  
19 to \$1,000,000), which included personnel and equipment to: deploy autonomous flux chambers to  
20 take point measurements of methane and other gases in landfill soil; deploy robots and drones to  
21 measure these gases at various special scales and temporal intervals; train AI models to estimate  
22 methane concentrations in areas without direct measurements; speciate and quantify landfill gases  
23 in the lab; integrate satellite and aircraft observations with data collected at and near ground level  
24 to identify areas with high methane emissions from point sources; design methane mitigation  
25 strategies; and incentivize the adoption of mitigation through carbon offset or other climate change  
26 mitigation funding programs. The last listed item is a high leverage policy intervention, because to  
27 date, projects to reduce landfill gas emissions have generated more credits in the U.S. voluntary  
28 carbon offset market than any other type of projects.

### Award of Grant Funding

18. A true and correct copy of our research team's Notice of Award and Grant

19. On December 16, 2024, EPA notified UC Berkeley that it was awarding the second installment of grant funding.

21. A printout of EPA's web page *Understanding and Control of Municipal Solid Landfill Air Emissions Grants* (<https://www.epa.gov/research-grants/understanding-and-control-of-municipal-solid-waste-landfill-air-emissions-grants>) from May 12, 2025, publicizing our one among five awarded, is attached as Exhibit F.

22. On April 29, 2025, EPA sent to the UC Regents a document styled as an Assistance Amendment.” A true and correct copy of the Assistance Amendment is attached as Exhibit G.

24. The Assistance Amendment stated: “The Agency is asserting its right under 200.340 and the Termination General Term [stet] and Condition [stet] of this agreement to rally terminate this award.” *Id.* at 4.



1           25.     The Amendment was accompanied by memorandum from EPA titled “Termination  
2 of EPA Assistance Agreement RD 84062301 under 2 CFR 200.340.” A true and correct copy of  
3 this memo is attached as Exhibit H.

4           26.     The memo stated that EPA terminated our grant for the following reasons:

5                     [T]he award no longer effectuates the program goals or agency priorities.  
6                     The objectives of the award are no longer consistent with EPA funding  
7                     priorities.

8                     The EPA Administrator has determined that, per the Agency’s obligations  
9                     to the constitutional and statutory law of the United States, this priority  
10                    includes ensuring that the Agency’s grants do not conflict with the  
11                    Agency’s policy of prioritizing merit, fairness, and excellence in performing  
12                    our statutory functions. In addition to complying with the law, it is vital  
13                    that the Agency assess whether all grant payments are free from fraud,  
14                    abuse, waste, and duplication, as well as to assess whether current grants are  
15                    in the best interests of the United States.

16                    The grant specified above provides funding for programs that promote  
17                    initiatives that conflict with the Agency’s policy of prioritizing merit,  
18                    fairness, and excellence in performing our statutory functions; that are not  
19                    free from fraud, abuse, waste, or duplication; or that otherwise fail to serve  
20                    the best interests of the United States. The grant is inconsistent with, and no  
21                    longer effectuates, Agency priorities.

22                    *Id.* at 1.

### 23                    **Harm from EPA’s Grant Termination**

24           27.     I and my project team have suffered immediate harm as a result of the cancellation  
25 of the grant. Specifically:

- 26                    a) I have been unable to proceed with the basic work to evaluate policy options,  
27                    with a particular focus on how we can use the detailed methane and HAPs  
28                    emissions findings to improve landfill regulations, impact decision-making at  
                      landfill sites, promote subnational action at landfills, and improve emissions  
                      offset protocols. Because California and the United States are leaders in this  
                      field, halting the policy work also impacts what is possible internationally.

- 1 b) Our research team has been unable to continue and complete novel work related  
2 to evaluating HAPs and their relationship to methane emissions from landfills,  
3 evaluation of atmospheric and weather impacts on emissions, and the  
4 relationship of satellite emissions data to terrestrial data, which is important as  
5 we build a satellite-based system for monitoring, reporting, and verification.  
6 Most painfully, to my understanding and belief, some of researchers and  
7 graduate students will lose hours and compensation, and there is some concern  
8 that one or more may need to be let go.
- 9 c) Additionally, even if we were eventually to find replacement funding for this  
10 project (a difficult proposition given the sum at stake), the delay and  
11 uncertainty would preclude full recovery of the project. First, we have multiple  
12 partners, including those evaluating HAPs and those evaluating variables  
13 related to interpretation of atmospheric variables, who will have scheduling and  
14 project conflicts making it quite likely that the project as originally conceived  
15 cannot be completed. Second, graduate students with particular expertise and  
16 experience will leave for other project and employment, and replacing that  
17 expertise will be difficult or impossible. Third, the timing of reduction of  
18 methane emissions is critical, as reflected in the Global Methane Pledge  
19 reduction goal for 2030. Landfill emissions are a key element of meeting the  
20 reduction goals, and the work of this grant in refining our understanding of  
21 emissions, tying terrestrial and satellite data, establishing meaningful and robust  
22 offset criteria, and accelerating regulatory reform for landfill emissions will be  
23 delayed if not put off indefinitely. Finally, our ability to work with jurisdictions  
24 around the world will be impacted by the delay in data, results, analysis, and  
25 offset protocol determination, all of which is relevant to policy and  
26 implementation of landfill emissions mitigation action.
- 27 d) These harms are ongoing.
- 28

1 e) In addition, my inability to complete work on the design of policy instruments  
2 to reduce landfill emissions of methane and HAPs, which are respectively key  
3 contributors to climate change and environmental health impairment, will result  
4 in the loss of value to the public.

#### 5 **Appeal of Grant Termination**

6 28. The EPA memo regarding grant termination provided that UC Berkeley could  
7 submit a “Dispute” to a named Disputes Decision Official at EPA within 30 days from the date  
8 EPA transmitted the termination notice.

9 29. Our Lead PI (Dimitrios Zekkos) has indicated to our Sponsored Projects Office  
10 (SPO) that our team would like to appeal this denial and has provided relevant information to  
11 SPO. SPO has responded that outside counsel will use that information to draft an appeal letter.

12 30. The Award of Grant Funding remains unavailable to our project pending the  
13 outcome of the appeal.

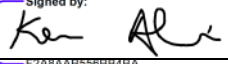
#### 14 **Role of Class Representative**

15 31. I am ready to assume the responsibilities of serving as a class representative. I  
16 understand that I must stay informed regarding developments in the lawsuit, communicate  
17 regularly with my attorneys, and act in the best interests of the class. I have no conflicts that  
18 would prevent me from assuming this responsibility.

19 32. I have been in communication with other UC researchers, who would be members  
20 of the class, who have suffered the same general type of harm as I describe above, from the abrupt  
21 termination of their previously approved research grants. This harm is widespread and I believe it  
22 will only increase in scope and impact if classwide relief is not granted.

23 I declare under penalty of perjury under the laws of the State of California and the United  
24 States that the foregoing is true and correct.

25 Executed this 28 day of May, 2025.

26 Signed by:  
  
F240AAB5508B1A...  
27 Ken Alex  
28